

JEFFERSON COUNTY COMMISSIONERS
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TOM LYTHGOE, CHAIR

DAVE KIRSCH

LEONARD WORTMAN

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
February 2, 2010**

Present: Commissioners Lythgoe, Kirsch and Wortman; Harold Stepper and Mike Hoffman, County Planners; Joe Carter, Road Supervisor; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Greg Corr, *Whitehall Ledger*; Ken Vivrette, Keith Wing, John Zulke, Ellen Rae Thiel, Heather LaRowe, Carol Ferguson, Tanya Reinhardt, Charlene Hall, Craig Neal, Ruth Raihl, Jim Dodge, Bob Benson, Will Maue, Isabelle Maue, Jane Hamman, John Zuelke, Shannon Zuelke, Tina Arnold, Alan Arnold, Marilyn Vandola, Carol Ferguson, Pat Zuelke, Ellen Rae Thiel, Liberty Zuelke Dorrington, Art Zuelke, Tony Prothero, Shane Worley, Anne Engels

CORRESPONDENCE

Commissioner Kirsch noted the receipt of an e-mail from the facilities manager. She is requesting approval to purchase three sets of Carharts for herself and her staff for working outdoors in the cold. She has the money in her budget.

Commissioner Kirsch moved to approve the purchase of three sets of Carharts. Commissioner Wortman seconded. The motion carried.

Commissioner Lythgoe noted the receipt of an amended agreement between MSU and Jefferson County for Extension Agents. The agreement was signed and will be sent back to MSU.

Commissioner Lythgoe noted the receipt of agreement forms with Mark Buck Construction for replacement of the Quaintance Lane bridge under the TSEP project.

CALENDAR REVIEW

2/03 TSEP training – Bozeman – 9:00
2/04 Meeting with Great West – 10:00
2/09 Bio-mass meeting – Boulder – 10:00

COMMISSION REPORTS

SCHMAUS MEDIATION

Commissioner Lythgoe reported that the Commissioners attended a mediation on Thursday, but they were not able to come to a successful conclusion.

BEAVERHEAD-DEER LODGE NATIONAL FOREST

Commissioner Lythgoe reported that on Thursday afternoon they meet with Kevin Smith from the Beaverhead-Deer Lodge National Forest. They discussed the buildings at the old Boulder work center, coordinating status for the county and woody waste.

DYKE REPAIR AT WILLOW CREEK

Commissioner Wortman reported that he talked to a Commissioner in Broadwater County as well as the road supervisor regarding the dyke repair at Willow Creek. They seem willing to help us with that this time.

SUBDIVISION REVIEW

SUBDIVISION IMPROVEMENT AGREEMENT – KILLPACK MINOR SUBDIVISION

Mike Hoffman, County Planner, stated that an improvement agreement has been drawn up, but he hasn't had a chance to review the estimate yet. This would be for the removal of a fence encroachment between the developer and Jefferson County and McClellan Creek Road as well as an adjoining landowner to the north of the subdivision. Commissioner Lythgoe asked Mike if he has heard from anyone in the area as it relates to the fence. Mike stated that he has. Commissioner Lythgoe stated that the Commission as received a letter related to the fence.

Commissioner Wortman read a letter from adjacent landowners regarding a fence that has been placed in their easement. They would like the fence moved back to its original position, though they recognize that the weather doesn't permit this to happen at this time. They also feel that the proposed bond amount of \$375 is too low.

Commissioner Lythgoe stated that when he talked to Mr. Mergenthaler, it is their preference that the fence be placed back where it was originally.

Mike stated that he would like to be able to proceed with an improvement agreement in regards to this issue. It is his feeling that the fence is a separate issue from the subdivision and they felt that it would be appropriate to bond for removal of the fence. He respects the opinion of the letter writers, but they could haggle for an hour over the cost to get it done. The reality is the only other alternative is to finalize the subdivision and have the County Attorney chase it down. Commissioner Wortman asked how much fence has to be removed. Mike stated that it is about 1,200 feet total. Commissioner Wortman said that they would be looking at \$600 to \$800, just for removal, noting that he is a fencing contractor. Commissioner Lythgoe stated that the fence had been in a certain location for a number of years, the developer moved it, and the landowners

that wrote the letter want it moved back to where it was, not just taken down. He noted that he spoke with Mr. Murray on the phone and Mr. Megenthaler in person, and both indicated that this is their wish.

Keith Wing stated that he is on the northern side of the property. What hasn't been mentioned is that this is his fence. He put up the fence and the Murrys bought part of the materials. Mrs. Killpack, without any permission, moved the fence off of the easement line. She now wants to keep it there, in their right-of-way, and the county wants to let her take it down, so he loses a fence in the process. He wants the fence put back on the line to the condition that it was, where it belonged. Commissioner Lythgoe asked if there is stock involved. Keith said that she has stock, and he would have to put in a gate to run cattle on his property; her stock would be affected. Commissioner Wortman asked why the fence was moved. Keith said that he doesn't know; he would be only guessing. He knows that she didn't like it there in the first place, because she didn't like the 60 foot easement; she wanted more grass.

Ken Vivrette stated that he is helping the developer with the subdivision. The developers have a bid of \$250 to move the fence. He noted that this is on an easement and doesn't affect anyone else's property. Ken further noted that there is no condition of approval to have the subdivision fenced. They are proposing that the improvements agreement be for \$375, and it should take care of the problem.

Mike stated that he would recommend that they bond for the removal of the fence. There really isn't a condition that the fence needs to be replaced.

Mike recommended that the Commission enter into the agreement for the fence encroachment. Commissioner Wortman stated that he feels that the bid of \$250 is ridiculous for moving and replacing 900 feet of fence. Mike noted that the bid is just for removing the fence; they can't condition that the fence be replaced.

Commissioner Wortman moved to approve the agreement. Commissioner Lythgoe seconded. The motion carried.

FINAL PLAT REVIEW – KILLPACK MINOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report for this minor subdivision located in Montana City. The parcel consists of 28.68 acres proposed to be split into five lots ranging in size from 2.06 to 17.28 acres in size.

Mike recommended that final plat approval be granted.

Commissioner Lythgoe moved to grant final plat approval. Commissioner Wortman seconded. The motion carried.

FINAL PLAT REVIEW – PINE MEADOWS MAJOR SUBDIVISION

Mike Hoffman presented his staff report on this major subdivision located south of Montana

City. The parcel contains 49.92 acres and will be split into 17 lots ranging in size from 1.125 to 5.456 acres. The developer opted to make a cash-in-lieu payment of \$9,000 rather than having dedicated parkland. An on-site water supply, via a fire hydrant drawing water from Prickly Pear Creek, has been installed and successfully tested.

Mike recommended that final plat approval be granted.

Commissioner Lythgoe moved to grant final plat approval to the Pine Meadow Major subdivision. Commissioner Wortman seconded. The motion carried.

DISCUSS AND DECIDE ON STOP SIGNS AND SOWDEN LANE THROUGH VALLEY VIEW SUBDIVISION

Mike Hoffman stated that the only thing that he would like to say regarding the road name is that he would prefer to see Sowden Lane continue north through the subdivision on the newly constructed roads. Mike said that no addresses would need to be changed.

Commissioner Wortman moved to follow the recommendation of the planning department. Commissioner Lythgoe seconded. The motion carried.

Mike stated that regarding the stop signs, he has spoken with the developer, and the signs have been placed at the intersection.

Commissioner Wortman moved to approve the four-way stop. Commissioner Lythgoe seconded. The motion carried.

FINAL PLAT REVIEW – VALLEY VIEW MINOR SUBDIVISION

Mike presented his staff report on this minor subdivision located outside of Whitehall. The parcel contains 17.94 acres and is proposed to be split into five lots ranging in size from 2.79 to 4.63 acres in size. The developer has made a cash-in-lieu of water supply payment of \$3,392.29 to the local volunteer fire department.

Commissioner Lythgoe moved to grant final plat approval to the Valley View Minor subdivision. Commissioner Wortman seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

NEGOTIATE PLANNING/SUBDIVISION FEES FOR ROCKIN' THE RIVERS/ HEADWATERS COUNTRY JAM

Harold Stepper, County Planner, stated that the people that run Rockin' the Rivers and Headwaters Country Jam were in around the first of the year, and we have an issue with subdivision fees. Basically, this would be a major subdivision, and under the subdivision and platting act, Jefferson County reviews anything for lease or rent. The fees, based on our subdivision regulations for a major subdivision, start at \$600, 1 to 24 lots is \$15 per lot, and 25

lots or more is \$25 per lot in addition to the base fee. When calculated out, they are looking at something in the neighborhood of \$30,000. What he did was look back at some of the major subdivisions in past years and found the average fee. The subdivisions had a low of \$850 and a high of \$3,835. Harold stated that he came up with \$1,670.36 average. He is looking to cover the planning fees without killing the project.

Commissioner Lythgoe asked Harold what his recommendation would be. Harold stated that he would recommend that they be charged \$1,670.36 for preliminary plat, as well as the \$450 for final plat.

Tony Prothro, Intermountain Consulting Engineers, said that he is representing the Zulkes, who own the property where the music events are held every year. He stated that they were discussing what a reasonable review fee would be, and it is in line with what Harold just presented.

Commissioner Wortman moved to accept Harold's recommendation of \$1,670.36 for preliminary plat fees. Commissioner Kirsch seconded. The motion carried.

DISCUSSION OF NORTHERN COUNTY LIBRARY

Heather LaRowe, stated that she had requested to be placed on the agenda because of the direction that the library board seems to be headed. The reason that she is at this meeting is because she has not been able to locate any meeting minutes; they aren't available at any of the libraries or in the Clerk and Recorder's office. She e-mailed the board secretary requesting that the board minutes be made public, but she has not gotten a response.

She is also at the meeting because she is on the Friends of the Library board and on January 19th the Library Board requested that the Friends of the Library meet in an informal capacity. At that meeting, she mentioned that she would like to see public response in reference to library improvements or moving the Clancy Library, and she was told that she would have to take this up with the Commission. Her concern is that the public process hasn't been followed well. She was also told in that meeting that the public had ample opportunity to comment and that the deadline for public comment had passed. She could find no public notice that requested public comment or that has mentioned a deadline. Her concern is that the public process hasn't been followed well and that the public hasn't been involved to the extent that they should have been.

Commissioner Lythgoe stated that he understands her concerns. If what she says is correct, and he has no reason to doubt that it is, she has not had proper access to minutes. The library board is autonomous; the Commission has no control over the library board, and is the only board in the county that they don't. He will, however, talk to the County Attorney. He asked that she spell out her concerns regarding public participation and the public's right to know and be involved in a letter addressed to him or to the County Attorney and the County Attorney can deal with this issue. Heather stated that she can provide a letter for the County Attorney.

Commissioner Lythgoe stated that Ken Weber could possibly be very helpful to her in dealing with this. He said that he will pass her contact information to Ken and have him get in touch with her.

Carol Ferguson stated that she wrote a letter that she read for the record as well as leaving a copy (on file in the Clerk and Recorder's office). The letter thanked those involved in developing and sustaining the Clancy Library.

Tonya Reinhart, stated that she has also requested minutes from the Library Board. She is a new resident of Clancy, and she wanted to catch up and find out why there was some controversy about keeping the library in Clancy or possibly moving it. She asked Commissioner Wortman, as liaison to the board, to work with the Board and encourage them to make sure that they do work without emotion but with common sense. She would also ask that transparency be encouraged. It has been very difficult to impossible to get information. At other libraries she has used, copies of board minutes are available there. She asked the Clancy librarian if she could see the minutes, and was told by the librarian that she has been asking for three years to get copies of the minutes for the library. Commissioner Lythgoe stated that this is something that the Commission can help with.

Commissioner Wortman moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

DAVE KIRSCH, COMMISSIONER

LEONARD WORTMAN, COMMISSIONER